

**United States Bankruptcy Court
Central District of California
Riverside
Magdalena Reyes Bordeaux, Presiding
Courtroom 303 Calendar**

Wednesday, May 17, 2023

Hearing Room 303

11:00 AM

6: -

Chapter 0

#0.00 Judge Reyes Bordeaux will hold hearings in person and remotely via Zoom.gov.

In person Appearance Policies

Parties may appear in person for hearings at United States Bankruptcy Court located at 3420 Twelfth Street, Riverside, CA 92501 in Courtroom 303. Parties appearing in person must wear face masks, practice social distancing, and comply with all applicable guidelines of the United States Bankruptcy Court, Central District of California, and any additional requirements required under California State Law at the time of the hearing. Please note that Judge Reyes Bordeaux will not be wearing a mask.

Remote Appearance Policies

Parties may also appear remotely for hearings using ZoomGov, which permits parties to appear by video or by telephone. Hearing participants and members of the public may use ZoomGov free of charge to connect to hearings before Judge Reyes Bordeaux. Video and audio connection information for hearing(s) on this calendar is listed below.

Individuals may use a personal computer (equipped with camera, microphone and speaker), or a mobile device (such as an iPhone) to appear by ZoomGov video and ZoomGov audio. Individuals may also use a telephone to appear by ZoomGov audio only (standard telephone charges may apply). A Zoom or ZoomGov account is not necessary to connect to the hearings and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

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Video/audio web address: <https://cacb.zoomgov.com/j/1605518548>

ZoomGov Meeting ID Number: 160 551 8548

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Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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Docket 0

Tentative Ruling:

- NONE LISTED -

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6:17-18230 Ricardo Munoz and Roseann Munoz

Chapter 13

#1.00 Trustee's Motion to Dismiss Case (FINAL CURE)

EH__

Docket 138

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricardo Munoz

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Roseann Munoz

Represented By
Michael E Clark
Barry E Borowitz

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:18-11078 Danny Howard Weeks

Chapter 13

#2.00 Trustee's Motion to Dismiss Case

EH__

Docket 74

***** VACATED *** REASON: VOLUNTARY DISMISSAL OF MOTION
FILED 5/8/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Howard Weeks

Represented By
William J Smyth
Andrew Edward Smyth
Leonard Pena

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:19-11103 Golda Y Williams

Chapter 13

#3.00 Trustee's Motion to Dismiss Case

EH__

Docket 74

***** VACATED *** REASON: VOLUNTARY DISMISSAL OF MOTION
FILED 5/8/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Golda Y Williams

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:19-12676 Anthony P Mendoza and Lena E Mendoza

Chapter 13

#4.00 CONT Trustee's Motion to Dismiss Case

From: 5/3/23

EH__

Docket 132

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony P Mendoza

Represented By
Paul Y Lee

Joint Debtor(s):

Lena E Mendoza

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:19-15665 Kenyaita Denise Washington

Chapter 13

#5.00 CONT Trustee's Motion to Dismiss Case re Delinquency

From: 5/3/23

EH__

Docket 124

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenyaita Denise Washington

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:19-18697 Luci Denise. Green

Chapter 13

#6.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

***** VACATED *** REASON: VOLUNTARY DISMISSAL OF MOTION
FILED 4/19/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luci Denise. Green

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:20-10794 Corey Jason Gomes

Chapter 13

#7.00 CONT Trustee's Motion to Dismiss Case re Delinquency

From: 5/3/23

EH__

Docket 139

***** VACATED *** REASON: VOLUNTARY DISMISSAL OF MOTION
FILED 5/8/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corey Jason Gomes

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:20-10899 Elizabeth T Baker

Chapter 13

#8.00 Trustee's Motion to Dismiss Case

EH__

Docket 164

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:20-16478 Charles Sanchez

Chapter 13

#9.00 CONT Trustee's Motion to Dismiss Case re Delinquency

From: 5/3/23

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Sanchez

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-15254 Ryan Watson

Chapter 13

#10.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: VOLUNTARY DISMISSAL OF MOTION
FILED 5/15/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Watson

Represented By
Sundee M Teeple
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:22-10540 Michael James Cassidy and Linda Gayle Cassidy

Chapter 13

#11.00 CONT Trustee's Motion to Dismiss Case

From: 5/3/23

EH__

Docket 85

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael James Cassidy

Represented By
Dana Travis

Joint Debtor(s):

Linda Gayle Cassidy

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:22-11790 Zhaleh A Murphy

Chapter 13

#12.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zhaleh A Murphy

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:22-14125 Lindsay Ochoa

Chapter 13

#13.00 CONT Trustee's Motion to Dismiss Case

From: 5/3/23

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lindsay Ochoa

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:22-14173 Shu-Chen Wu and Geogiang Yue

Chapter 13

#14.00 CONT Motion to Avoid JUDICIAL LIEN with EMILIO CERON

From: 1/25/23, 2/22/23, 3/28/23, 5/3/23

Also #

EH__

Docket 22

Tentative Ruling:

5/17/2023

The Court's tentative ruling is to **GRANT** the Motion.

Appearances are **REQUIRED**. You can appear at the hearing in person or remotely.
For ZoomGov instructions, please see Page 1 of this week's Tentative Rulings.

Procedural Background

State Court Proceeding

Before this bankruptcy filing, Judgment Creditor Emilio Ceron ("Ceron") filed a lawsuit in state court against Debtors Shu-Chen Wu and Geogiang Yue ("Debtors") to recover a deposit of \$25,000 from Debtors. On November 4, 2021, a judgment in favor of Ceron was entered after a trial was held. On February 1, 2021, an amended judgment was entered against Debtors in the amount of \$78,987.52.¹ On January 10, 2022, Ceron recorded an Abstract of Judgment in County of Riverside.

Bankruptcy Court Proceeding

On November 2, 2022, Debtors filed this chapter 13 bankruptcy case. Debtors listed the real property located at 7907 Horizon View Drive, Riverside, CA 92506 ("Subject Property") and valued at \$1,300,000.00 in Schedule A/B of the chapter 13 schedules.

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CONT... Shu-Chen Wu and Geogiang Yue

Chapter 13

Debtors also claimed a homestead exemption of \$560,000.00 under § 704.730 of California Code of Civil Procedure in Schedule C of the chapter 13 schedules.

Motion to Avoid Judicial Lien

On December 22, 2022, Debtors filed this instant motion ("Motion") to avoid a judicial lien held by Ceron. Dkt. 22. On January 11, 2023, Ceron filed an opposition ("Opposition") to the Motion. Dkt. 25. In the Opposition, Ceron asserts that:

- 1) the homestead should be capped at \$187,000² under Section 522(p)(1) because Debtors acquired current title to the Subject Property within 1215 days before filing this bankruptcy petition; and
- 2) Debtors' appraisal report included properties which are not truly comparables and requests that the Motion be continued for an evidentiary hearing and for access to the Subject Property for a full appraisal.

On February 15, 2023, Debtors filed a reply ("Reply"). Dkt. 32. In the Reply, Debtors argue that § 522(p) is not applicable to this case. Specifically, Debtors cited the case *Caldwell v. Nelson (In re Caldwell)*, 545 B.R. 605 (B.A.P. 9th Cir. 2016), in which the BAP held that § 522(p) did not apply when the debtor had retained beneficial and equitable title to the property despite the transfers within 1,215 days of the filing of the petition noting the following:

- 1) debtor had continuously resided in the property with his wife, and
- 2) debtor paid the mortgage, taxes, and insurance on the property.

Further, Debtors provided the Court with an appraisal of the property valued at **1,300,000**. Dkt. 22. In the Opposition, Ceron's counsel set forth issues with the appraisal. In the Reply, Debtors contend that neither Ceron nor his attorney are qualified to give critiques of the appraisal. Dkt. 32. Thus, Debtors request the Court grant the Motion.

On February 22, 2023, a hearing was held on the Motion. At that hearing, the Court decided to continue the hearing to allow Debtors to file a supplemental brief to demonstrate Debtor is entitled to claim homestead exemption under California law. Further, the Court granted Ceron's request to access the Subject Property to conduct a

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full appraisal of the Subject Property.

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On April 12, 2023, Debtors filed a supplemental brief ("Supplemental Brief") and the declaration of Shu-Chen Wu ("Wu Declaration") in support of the Motion. Dkt. 42. In the Supplemental Brief and Wu Declaration, Debtors set forth a timeline of various transactions concerning the Subject Property and contend that Debtors are entitled to homestead exemption against the Subject Property under C.C.P. §704.730 for the following reasons:

- (1) Debtors' petition was filed on November 2, 2022. Therefore, the 1,215-day period began on July 6, 2019. The Subject Property was purchased on February 19, 2013, and the title to the Subject Property has been continuously held either by the Debtors, their Family Trust, or their wholly owned corporations.
- (2) Debtors resided at the Subject Property on the date Ceron's lien was attached, and they have lived in the Subject Property continuously to this day.

Evidentiary Objections

On April 24, 2023, Ceron filed an evidentiary objection to paragraphs 11 and 12 of Wu Declaration on the grounds of "vague" and "lack foundation." See Dkt. 43. Ceron requests the Court to strike that portion of testimony. See Dkt. 43.

Stipulation to Continue Hearing

On April 28, 2023, the parties filed a stipulation to continue the hearing on the Motion. Dkt. 44. On May 1, 2023, the Court approved the stipulation. Dkt. 45. Accordingly, the hearing on the Motion was continued to May 17, 2023. To date, neither party has filed any further brief on this matter.

Legal Analysis

The Court will be examining the following legal issues:

- (1) whether the homestead exemption claimed by Debtors should be capped at

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\$189,050 under Section 522(p)(1);

Chapter 13

- (2) the value of the Subject Property; and
- (3) Plaintiff's evidentiary Objections to certain testimony in Debtor Shu-Chen Wu's Declaration.

A. Homestead Exemption and Applicability of Section 522(p)(1) to this Case

Section 522(p)(1) imposes a limitation on the homestead exemption a debtor can claim regardless of the applicable state law exemptions. *Caldwell v. Nelson (In re Caldwell)*, 545 B.R. 605, 609 (B.A.P. 9th Cir. 2016) ("*Caldwell*").

Statutory Language of 11 U.S.C. § 522(p)(1)

Section 522(p)(1) provides in relevant part:

Except as provided in paragraph (2) of this subsection and sections 544 and 548, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 1215-day period preceding the date of the filing of the petition that exceeds in the aggregate \$155,675 in value in—
(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;....

11 U.S.C. § 522(p)(1).

Legislative Purpose of 11 U.S.C. § 522(p)

The legislative purpose of Section 522(p) was to "address the well-documented and often-expressed concern by members of Congress about the so-called 'mansion loophole' by which wealthy individuals could shield millions of dollars from creditors by filing bankruptcy after converting nonexempt assets into expensive and exempt homesteads in one of the handful of states that have unlimited homestead

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exemptions" *In re Greene*, 583 F.3d 614, 619 (9th Cir. 2009) ("*Greene*") (citing *In re Kane*, 336 B.R. 477, 481–82 (Bankr. D. Nev. 2006)); *see also Kane v. Zions Bancorporation, N.A.*, 2022 U.S. Dist. LEXIS 177905 at *18 (N.D. Cal. Sep. 29, 2022). The National Bankruptcy Review Commission in a report issued in 1997 stated that "In deferring to state law exemptions, the current system ... multiplies the opportunities for forum shopping and prebankruptcy asset conversion. ..." *Id.* (quoting Nat'l. Bankr.Rev. Comm'n, *Bankruptcy: The Next Twenty Years*, National Bankruptcy Review Commission Final Report, Oct. 20, 1997, at 124) (internal citation cleaned up).

The Ninth Circuit has held that "it appears that Congress intended 'acquire' under section 522(p)(1) to mean 'gaining possession or control' by purchasing or gaining an ownership interest, either legal or equitable." *Kane v. Zions Bancorporation, N.A.*, 2022 U.S. Dist. LEXIS 177905 at *24-25 (citing *Greene*, 583 F.3d at 623); *see also In re Fontaine*, 2010 Bankr. LEXIS 5049, 2010 WL 6259993, at *10 (9th Cir. BAP 2010) ("A legal or equitable interest in the property must exist for a homestead exemption to attach to that property.").

Legal Analysis of 11 U.S.C. § 522(p)(1) & Cal. Civ. Proc. Code, § 704

In *Caldwell*, the records showed that the debtor and his spouse purchased real property located in Las Vegas, Nevada, and they continuously resided in that property since they purchased it. *Caldwell*, 545 B.R. at 607. They made all mortgage payments, paid taxes, maintained insurance and assumed all other responsibilities of a real property owner. *Id.* Until the bankruptcy filing, they transferred title to that property seven times to and from their trust and an LCC. *Id.* These transfers were for no consideration and, per the debtor's declaration, for estate planning purposes. *Id.* The last time title to property was transferred from the LLC to the trust was 1,061 days before Debtor filed bankruptcy under Chapter 7. *Id.*

The Bankruptcy Appellate Panel in *Caldwell* held that the limitation of § 522(p)(1) was not applicable despite the fact that the legal title to the property was transferred from the LLC to the trust during the 1215-day period preceding the date of the bankruptcy filing. Specifically, the *Caldwell* court looked to Nevada law and found that the debtor held an interest in the property that would support a homestead claim (despite the fact title was held in the LLC) by noting that the debtor was in continual

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possession of the house since its acquisition roughly 20 years earlier and met Nevada law's possession and occupancy requirements for a "householder" since he "retained all indicia of ownership by his possession and use of the property, along with the payment of the mortgage, taxes, and insurance." *Id.*

As in *Caldwell*, the Court now looks to California law to determine whether Debtors retained a sufficient interest in the Subject Property to support a homestead claim, while the title to the Subject Property was held by Global Investments, Inc.

Under California law, a homestead is "the principal dwelling (1) in which the judgment debtor ... resided on the date the judgment creditor's lien attached to the dwelling, and (2) in which the judgment debtor ... resided continuously thereafter until the date of the court determination that the dwelling is a homestead." Cal. Civ. Proc. Code, § 704.710(a) and (c). California state courts adopt a liberal construction of the homestead exemption law and facts to promote the beneficial purposes of the homestead legislation to benefit the debtor. *Amin v. Khazindar*, 112 Cal. App. 4th 582, 588 (2003); *Tarlessen v. Broadway Foreclosure Investments, LLC*, 184 Cal. App. 4th 931, 936 (2010) ("*Tarlessen*").

"Exemptions serve to protect and foster a debtor's fresh start from bankruptcy." *In re Gilman*, 608 B.R. 714, 721 (Bankr. C.D. Cal. 2019) (citing *In re Rolland*, 317 B.R. 402, 412-13 (Bankr. C.D. Cal. 2004)). "Exemption rights are determined as of the date of the bankruptcy petition." *Id.* (citing *In re Combs*, 166 B.R. 417, 418 (Bankr. N.D. Cal. 1994) (internal citation cleaned up)).

Notably, a homestead right in California does not require the judgment debtor own legal title to the property. *Tarlessen*, 184 Cal. App. 4th at 937 (the court held that the debtor had homestead right when the home had been the debtor's principal residence for over 20 years and the debtor continued to live in the home for a period of nine (9) months after she conveyed title of the home to another.); *see also In re Moffat*, 107 B.R. 255, 260 (Bankr. C.D. Cal. 1989), *aff'd*, 119 B.R. 201 (B.A.P. 9th Cir. 1990), *aff'd*, 959 F.2d 740 (9th Cir. 1992) (the court found that the debtor was entitled to homestead exemption when the homestead property was transferred to a revocable trust where the debtor continued to reside on the property); *see also Spencer v. Geissman*, 37 Cal. 96 (1869) (a lesser interest in the property can be a naked possession.).

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Accordingly, "California law rejects [the] argument that title to the property is necessary to claim a homestead exemption." *Kane v. Zions Bancorporation, N.A.*, 2022 U.S. Dist. LEXIS 177905 at *26 (citations omitted); *see also In re Elliott*, 523 B.R. 188, 196 (9th Cir. BAP 2014) ("Thus, based on the plain language of the statute, the automatic homestead exemption does not require that the judgment debtor continuously own the property."). The factors a court should consider in determining whether the debtor has sufficient residency to establish an exemptible interest in the property and, thus, to qualify for the automatic homestead, are physical occupancy of the property and the intention with which the property is occupied." *Kane v. Zions Bancorporation, N.A.*, 2022 U.S. Dist. LEXIS 177905 at *26 (citing *Elliott*, 523 B.R. at 196).

In this case, the facts indicate Debtors are entitled to homestead exemption under Section 704.710(c). Debtors began residing in the Subject Property from October 20, 2020 as their principal dwelling and have continuously resided in the Subject Property since that date. As such, it meets both statutory requirements set forth in Section 704.710 since the facts indicate that:

- (1) Debtors resided in the Subject Property at the time Ceron's judgment lien created and attached to the Subject Property, and
- (2) Debtors have continuously resided in the Subject Property thereafter.

The question here is whether Debtors' homestead exemption claim should be capped under Section 522(p)(1).

As stated above, California state courts adopt a liberal construction of the homestead exemption law and facts to promote the beneficial purposes of the homestead legislation to benefit the debtor. As in *Caldwell*, the court looked to Nevada law and found that the debtor held an interest in the property that would support a homestead claim despite the fact title was held in the LLC, and then concluded that the limitation of § 522(p)(1) was not applicable despite the fact that the legal title to the property was transferred from the LLC to the trust during the 1215-day period preceding the date of the bankruptcy filing.

Here, after examining California law, the Court finds that Debtors are eligible to claim

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homestead exemption while the title to the Subject Property was transferred to and held by Global Investments, Inc. Although Global Investments, Inc. was holding the legal title to the Subject Property, Debtors had possession of and continued to reside in the Subject Property. Accordingly, Debtors held sufficient equitable interest in the Subject Property that would support a homestead claim under California law. *See Spencer v. Geissman*, 37 Cal. 96 (1869) (a lesser interest in the property can be a naked possession.) As such, the same conclusion as *Caldwell* can be reached—that is, Section 522(p)(1) should not apply.

In conclusion, the monetary cap in Section 522(p)(1) does not apply to Debtors' claimed homestead exemption on the Subject Property.

B. Valuation of the Subject Property

At the hearing held on February 22, 2023, the Court granted Ceron's request to access the Subject Property to conduct a full appraisal of the Subject Property. To date, Ceron has not submitted an appraisal report to the Court as to the value of the Subject Property. In the Opposition, Ceron's counsel argues that he believes the appraisal is not accurate. Dkt. 25. However, neither Ceron nor Ceron's counsel have submitted an appraisal report indicating the Subject Property is worth \$1,700,000 to \$1,850,000—a value much higher than the 1,300,000 value in the appraisal submitted to the Court by Debtors attached to this instant Motion. Dkt. 25. & Dkt. 22.

Thus, for the purpose of this Motion, the Court is persuaded based on the evidence and testimony provided to the Court thus far that the value of the Subject Property is \$1,300,000.00.

Since Debtors' homestead exemption claim is not capped by Section 522(p)(1), Ceron's judgment lien in the amount of \$59,836.36 impairs Debtors' homestead exemption. Therefore, Ceron's judgment lien can be avoided under Section 522(f)(2), and thus, the Court is inclined to grant the Motion.

C. Evidentiary Objections

On April 24, 2023, Ceron filed an evidentiary objection to paragraphs 11 and 12 of Wu Declaration and requests the Court to strike that portion of testimony. Dkt. 43.

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Each objection is discussed separately.

a. Objection to page 7, ¶11, lines 10-12

Ceron objects to this testimony on the three grounds: (1) vague, (2) lack of foundation, and (3) call for expert testimony.

1. Vagueness

Ceron argues that Declarant does not say what "tax advantages" she is talking about. The Court is inclined to overrule this vagueness objection because Ceron fails to provide supporting legal authority for this objection. Further, this vagueness objection calls for further clarification from Debtor Shu-Chen Wu, rather than striking this testimony.

Thus, the Court is inclined to overrule this vagueness objection.

2. Lack of foundation

Under Federal Rule of Evidence 602, except for expert opinion testimony, witnesses must have personal knowledge concerning the subject matter about which they are testifying—i.e., the ability to presently recall a past perception or impression derived from the exercise of their own senses. See Federal Rule of Evidence 602. A witness' personal knowledge may be established by their own testimony, as well as other evidence. *Id.*

Here, Ceron objects to this testimony on the ground of lack of foundation under Federal Rule of Evidence 602. This is not persuasive. Debtor Shu-Chen Wu has provided sufficient testimony to establish her personal knowledge. Debtor Shu-Chen Wu in her declaration has demonstrated that she purchased the Property and personally executed all the transfers of the Property, including the transfer mentioned in paragraph 11. Thus, the Court finds that Debtor Shu-Chen Wu has established that she has personal knowledge of the matters stated in paragraph 11 by her own testimony.

Therefore, the Court is inclined to overrule this lack of foundation objection.

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3. Calls for expert testimony

Federal Rule of Evidence 701 provides that:

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception;
- (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
- (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Federal Rule of Evidence 701. Lay testimony was limited to "facts"—i.e., those things the witness "had seen, heard, felt, smelled, tasted, or done." *See Asplundh Mfg. Div., a Div. of Asplundh Tree Expert Co. v. Benton Harbor Engineering*, 57 F.3d 1190, 1194 (3rd Cir. 1995). Lay opinion testimony can be based on the witness' "knowledge and participation in the day-to-day affairs of his [or her] business." *See United States v. Anderskow*, 88 F.3d 245, 250 (3rd Cir. 1996) (witness' weekly correspondence by telephone and fax provided sufficient first-hand knowledge to give lay opinion on lost profits.) Another example is that homeowners are usually allowed to give lay opinion of their homes.

Here, Ceron argues that it calls for expert witness as to Debtor Shu-Chen Wu's testimony regarding "certain tax breaks." This is unpersuasive. Debtor Shu-Chen Wu's testimony has established that she involved in the affairs relating to the Property, e.g., the purchase and transfers, and the establishment of the entity, Global Investments, Inc, which provided her sufficient first-hand knowledge to give lay opinion on the reason causing the transfer mentioned in paragraph 11. It appears that Ceron's real concern is the credibility of this testimony.

On the other hand, the Court finds that the testimony that "[i]n order to take advantage of certain tax breaks" does not meet the requirement under Federal Rule of Evidence 701(b)—lay opinion testimony is admissible only if "helpful to clearly understanding the witness's testimony or to determining a fact in issue." *See* Federal Rule of Evidence 701(b). Specifically, the underlying reason for executing the said transfer

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has no bearing as to determining the issues in this proceeding.

Thus, the Court is inclined to strike the following testimony: "[i]n order to take advantage of certain tax breaks" from paragraph 11.

b. Objection to page 7, ¶12, lines 12-16

Ceron objects to this testimony on the two grounds: (1) lack of foundation, and (2) vague.

1. Lack of foundation

Under Federal Rule of Evidence 602, except for expert opinion testimony, witnesses must have personal knowledge concerning the subject matter about which they are testifying—i.e., the ability to presently recall a past perception or impression derived from the exercise of their own senses. See Federal Rule of Evidence 602. A witness' personal knowledge may be established by their own testimony, as well as other evidence. *Id.*

Here, Ceron objects to this testimony on the ground of lack of foundation under Federal Rule of Evidence 602. This is not persuasive. Debtor Shu-Chen Wu has provided sufficient testimony to establish her personal knowledge. Debtor Shu-Chen Wu in her declaration has demonstrated that she purchased the Property and personally executed all the transfers of the Property, including the transfer mentioned in paragraph 12. Thus, the Court finds that Debtor Shu-Chen Wu has established that she has personal knowledge of the matters stated in paragraph 12 by her own testimony.

Therefore, the Court is inclined to overrule this lack of foundation objection.

2. Vagueness

It appears that the vagueness objection directs to the testimony "for a variety of reasons." The Court is inclined to overrule this vagueness objection because Ceron fails to provide supporting legal authority for this objection. Also, this vagueness objection calls for further clarification from Debtor Shu-Chen Wu, rather than striking

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this testimony.

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Thus, the Court is inclined to overrule this vagueness objection.

Conclusion

Based on the foregoing analysis, the Court is inclined to STRIKE the following testimony: "[i]n order to take advantage of certain tax breaks" in paragraph 11 of Wu Declaration and OVERRULE the remaining evidentiary objections raised by Ceron as set forth above and GRANT the Debtor's Motion.

Party Information

Debtor(s):

Shu-Chen Wu

Represented By
Benjamin Heston

Joint Debtor(s):

Geogiang Yue

Represented By
Benjamin Heston

Movant(s):

Shu-Chen Wu

Represented By
Benjamin Heston
Benjamin Heston

Geogiang Yue

Represented By
Benjamin Heston
Benjamin Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:22-14173 Shu-Chen Wu and Geogiang Yue

Chapter 13

#15.00 CONT Confirmation of Chapter 13 Plan

From: 1/25/23, 2/22/23, 4/5/23, 5/3/23

Also #

EH____

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shu-Chen Wu

Represented By
Benjamin Heston

Joint Debtor(s):

Geogiang Yue

Represented By
Benjamin Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10143 Jaime Diaz Altamirano and Sonia Alicia Diaz

Chapter 13

#16.00 Motion to Disallow Claims No. 14 re Midland Credit Management, Inc.

Also #

EH__

Docket 25

Tentative Ruling:

5/17/2023

The Court's tentative is to GRANT Debtors' Motion and disallow Proof of Claim # 14 (POC#14).

Debtors assert that the last payment on this debt was made on January 7, 2019—a date 4 years prior to the date Debtors filed for bankruptcy. Debtors object to Claimant's POC#14 and contend such claim is barred by the statute of limitations under California Code of Civil Procedure § 337. Dkt. 25. No opposition to Debtors' Motion has been filed by Claimant. The Court is inclined to grant Debtors' Motion and disallow POC#14 in its entirety.

APPEARANCES WAIVED. Movant(s) to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

If you wish to be heard on this matter, you can appear at the hearing remotely. Due to COVID-19 safety concerns, this matter will be heard remotely using ZoomGov.

For ZoomGov instructions, please see Page 1 of this week's Tentative Rulings.

Party Information

Debtor(s):

Jaime Diaz Altamirano

Represented By
Paul Y Lee

Joint Debtor(s):

Sonia Alicia Diaz

Represented By

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Jaime Diaz Altamirano and Sonia Alicia Diaz

Paul Y Lee

Chapter 13

Movant(s):

Jaime Diaz Altamirano

Represented By

Paul Y Lee

Paul Y Lee

Sonia Alicia Diaz

Represented By

Paul Y Lee

Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10143 Jaime Diaz Altamirano and Sonia Alicia Diaz

Chapter 13

#17.00 Motion to Disallow Claims No. 15 re Midland Credit Management, Inc.

Also #

EH__

Docket 27

Tentative Ruling:

5/17/2023

The Court's tentative is to GRANT Debtors' Motion and disallow Proof of Claim ("POC#15").

Debtors Jaime Altamirano and Sonia Diazdward ("Debtors") assert that the last payment on this debt was made on December 21, 2018—a date 4 years prior to the date Debtors filed for bankruptcy. Debtors object to Claimant's POC#15 and contend such claim is barred by the statute of limitations under California Code of Civil Procedure § 337. Dkt. 27. No opposition to Debtors' Motion has been filed by Claimant. The Court is inclined to grant Debtors' Motion and disallow POC#15 in its entirety.

APPEARANCES WAIVED. Movant(s) to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

If you wish to be heard on this matter, you can appear at the hearing remotely. Due to COVID-19 safety concerns, this matter will be heard remotely using ZoomGov.

For ZoomGov instructions, please see Page 1 of this week's Tentative Rulings.

Party Information

Debtor(s):

Jaime Diaz Altamirano

Represented By
Paul Y Lee

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CONT... Jaime Diaz Altamirano and Sonia Alicia Diaz

Chapter 13

Joint Debtor(s):

Sonia Alicia Diaz

Represented By
Paul Y Lee

Movant(s):

Jaime Diaz Altamirano

Represented By
Paul Y Lee
Paul Y Lee

Sonia Alicia Diaz

Represented By
Paul Y Lee
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-11637 Armando Moreno

Chapter 13

#18.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 409 Cindy Cir Riverside CA 92507 and 2012 Toyota Camry

MOVANT: ARMANDO MORENO

EH__

Docket 5

Tentative Ruling:

5/17/2023

The Court's tentative ruling is to GRANT the Motion.

APPEARANCES WAIVED. Movant(s) to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

If you wish to be heard on this matter, you can appear at the hearing remotely. Due to COVID-19 safety concerns, this matter will be heard remotely using ZoomGov.

For ZoomGov instructions, please see Page 1 of this week's Tentative Rulings.

Party Information

Debtor(s):

Armando Moreno

Represented By
Jaime A Cuevas Jr.

Movant(s):

Armando Moreno

Represented By
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.

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CONT... Armando Moreno

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Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10611 Richard Duke Ybarra and Barbara Marie Ybarra

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Duke Ybarra

Represented By
Stephen L Burton

Joint Debtor(s):

Barbara Marie Ybarra

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10613 Silver Rios

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3/13/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Silver Rios

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10616 Mario Albert Velazquez, Jr. and Jeanette Blasa Velazquez

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Albert Velazquez Jr.

Represented By
Michael E Clark

Joint Debtor(s):

Jeanette Blasa Velazquez

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10622 Lori A Bush

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3/14/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lori A Bush

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10651 Shanelle Janeisa Hamlin

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shanelle Janeisa Hamlin

Represented By
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10657 Sotera V Jaime

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3/13/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sotera V Jaime

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10712 Carla Marie Brimmer

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3/20/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carla Marie Brimmer

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10746 John Fitzgarld Runion

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Fitzgarld Runion

Represented By
Onyinye N Anyama

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10770 Cesar Villanueva

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cesar Villanueva

Represented By
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10789 Alice Hyejung Bou

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH__

Docket 13

***** VACATED *** REASON: CASE DISMISSED 3/29/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alice Hyejung Bou

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10817 Doreen Armstrong

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3/21/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Doreen Armstrong

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10823 Danny Garcia

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3/21/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Garcia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:23-10227 Amberly Heather Geistweidt-Arnal

Chapter 13

#31.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/23

EH____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amberly Heather Geistweidt-Arnal

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se